

ATTACHMENT 1

FILED/REC'D

COMPLAINT FORM 2024 SEP 11 A 10:45

(for filers who are prisoners without lawyers)

CLERK OF COURT
U.S. DISTRICT COURT
WD OF WI

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

(Full name of plaintiff(s))

ZAHMALL Z. DAVIS

vs

Case Number:

24-cv-642-jdp

(Full name of defendant(s))

(to be supplied by clerk of court)

SMITH & WESSON

JOHN DOE 1

JOHN DOE 6

DANE COUNTY SHERIFF

JOHN DOE 2

JOHN DOE 7

MADISON FIRE DEPARTMENT

JOHN DOE 3

JOHN DOE 8

JOHN DOE 4

JOHN DOE 9

JOHN DOE 5

JOHN DOE 10

SGT. ROPER

DEPUTY MENDOZA

SHERIFF KALVIN BARRETT

A. PARTIES

1. Plaintiff is a citizen of Wisconsin and is located at
(State)

115 West Doty St, Madison, WI 53703

(Address of prison or jail)

(If more than one plaintiff is filing, use another piece of paper).

2) Defendant Dane County Sheriff is a citizen of Wisconsin and resides at 115 West Doty St, Madison, WI 53703.

Defendant Sheriff Kalvin Barrett is a citizen of Wisconsin and resides at unknown address and work for Dane County Sheriff

Defendant Sgt. Roper is a citizen of Wisconsin and resides at unknown address and work for Dane County Sheriff

Defendant Deputy Mendoza is a citizen of Wisconsin and resides at unknown address and work for Dane County Sheriff

Defendant John Doe 1 is a citizen of Wisconsin and resides at unknown address and work for Dane County Sheriff

Defendant John Doe 2 is a citizen of Wisconsin and resides at unknown address and work for Dane County Sheriff

Defendant John Doe 3 is a citizen of Wisconsin and resides at unknown address and work for Dane County Sheriff

Defendant John Doe 4 is a citizen of Wisconsin and resides at unknown address and work for Dane County Sheriff

Defendant John Doe 5 is a citizen of Wisconsin and resides at unknown address and work for Dane County Sheriff

Defendant Madison Fire Department is a citizen of Wisconsin and resides at unknown address.

Defendant John Doe 6 is a citizen of Wisconsin and resides at unknown address and work for Madison Fire Department

Defendant John Doe 7 is a citizen of Wisconsin and resides at unknown address and work for Madison Fire Department

Case: 3:24-cr-00642-jda Document #: 1 Filed: 09/11/24 Page 3 of 10
2) Defendant John Doe 8 is a citizen of Wisconsin and resides at unknown address and work for Madison Fire Department.

Defendant John Doe 9 is a citizen of Wisconsin and resides at unknown address and work for Madison Fire Department.

Defendant John Doe 10 is a citizen of Wisconsin and resides at unknown address and work for Madison Fire Department.

2. Defendant Smith & Wesson
(Name)

is (if a person or private corporation) a citizen of Wisconsin
(State, if known)

and (if a person) resides at Unknown Address
(Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for N/A
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

On or about Oct. 6, 2022 Plaintiff was transported to a revocation hearing inside of the Dane County Jail, shackled and handcuffed in a pair of Smith & Wesson hand cuffs, by Deputy Mendoza. After the hearing had concluded Deputy Mendoza attempted to remove the hand cuffs but could not due to the hand cuffs malfunctioning. After successfully removing the right hand cuff, the left hand cuff seized & refuse to unlock and open. Deputy Mendoza tighten hand cuff on plaintiff's wrist in a attempt to unseize the lock, causing an great amount of

physical pain to plaintiff's left wrist. After numerous attempts to get the hand cuff out, including twisting and turning of the plaintiff's wrist, Deputy Mendoza radioed for assistance. After a few minutes had passed, John Doe 1 arrived and used set of keys in an attempt to remove the hand cuff, causing plaintiff even more pain. After numerous unsuccessful attempts to remove hand cuff Deputy Mendoza and John Doe 1 concluded that bolt cutters would have to be used to remove hand cuff from plaintiff's wrist. Plaintiff continued to suffer while waiting and began to emotionally break down in fear of being seriously injured in the process. The hand cuff began to cut off plaintiff's circulation and he began to panic. After retrieving a set of bolt cutters Deputy Mendoza and John Doe 1 attempted to cut off the hand cuff, causing excruciating pain to plaintiff. They continued to forcefully twist and turn plaintiff's wrist until the pain became unbearable. After numerous unsuccessful attempts with bolt cutters Deputy Mendoza and John Doe #1 retrieved a bigger set of bolt cutters in attempt to remove the hand cuff from plaintiff wrist, which was now swollen. After more unsuccessful attempts plaintiff was

escorted to male staging, another area in the jail, where he left to suffer in pain. After what seemed like hours to plaintiff, John Doe^{#2} came in with a different set of bolt cutters and a small pair of ring cutters. John Doe^{#2} also made numerous unsuccessful attempts to remove the malfunctioned hand cuff, causing plaintiff even more pain. At the moment, plaintiff's wrist and fingers had started to turn colors and swell even more. Plaintiff could take no more and began to cry out loud, begging them to stop. After realizing that their attempts were unsuccessful, plaintiff was escorted to the central Booking area of the jail. Sgt Roper directed plaintiff have a seat on a bench and not move, as plaintiff expressed his pain and pleaded to go to the hospital. Sgt Roper denied plaintiff's pleas to go to hospital and told him that cuffs would be removed in house. As plaintiff continued to suffer physically, mentally, and emotionally, John Doe^{#3}, John Doe^{#4}, and John Doe^{#5} laughed and made jokes while making more unsuccessful attempts to remove the malfunctioned cuff from plaintiff's injured wrist, causing even more pain to plaintiff. At that moment plaintiff could take no more and demanded medical attention and for the malfunctioned

hand cuff to be professionally removed. After seeing that plaintiff would no longer allow them to hurt him, Sgt Roper contacted the Madison Fire Department to remove the cuff. During this time Deputy Mendoza, Sgt Roper, John Doe #1, John Doe #2, John Doe #3, John Doe #4, and John Doe #5 all worked for Dane County Sheriff, who is run by Sheriff Kalvin Barrett. Once the Madison Fire Department arrived, John Doe #6 made numerous unsuccessful attempts to cut the malfunctioned hand cuff off with yet another set of bolt cutters causing even more pain to the plaintiff, bringing him to tears. After the unsuccessful attempts John Doe #6 concluded that a grinding saw would have to be used to remove the malfunctioned hand cuff. John Doe #7 went to retrieve the grinding saw and after returning, John Doe #7, John Doe #8, John Doe #9, and John Doe #10 held plaintiff's arm in place as John Doe #6 began to use the grinding saw. A sheet was placed over plaintiff's face to shield him from the fly sparks, causing even more fear of being injured to the plaintiff. Because of the metal to metal grinding, the cuff became so hot that it burned the plaintiff's skin causing blisters, and water had to be continuously poured on the malfunctioned cuff to minimize

b) the burning ant. The ass was finally removed. Afterward, Plaintiff pleaded with Sgt Roper to go to hospital for medical attention but was denied and only seen by jail nurse who only administered tylenol and an ice pack.

C. JURISDICTION



I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR



I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is

\$ _____.

D. RELIEF WANTED

Describe what you want the court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or stop doing something.

Plaintiff is seeking compensatory and punitive damages in the sum of \$5,000,000 from each defendant in this matter. Plaintiff also seeks an additional \$5,000,000 from Smith & Wesson and Dane County Sheriff. Lastly, plaintiff request that each individual defendant undergoes more training to prevent this occurrence from transpiring again.

E. JURY DEMAND



Jury Demand - I want a jury to hear my case

OR

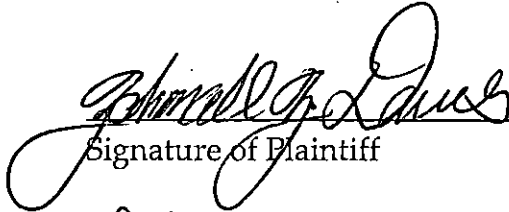


Court Trial - I want a judge to hear my case

FILED/REC'D
2024 SEP 11 A 10:45
CLERK OF COURT
U.S. DISTRICT COURT
WD OF WI

Dated this 2ND day of September 2024.

Respectfully Submitted,


Signature of Plaintiff

96101400
Plaintiff's Prisoner ID Number

115 West Doty St

Madison, WI 53703
(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper).

REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FILING FEE



I DO request that I be allowed to file this complaint without paying the filing fee. I have completed a request to proceed in the district court without prepaying the fee and attached it to the complaint.



I DO NOT request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.